



MINUTES
CITY COMMISSION MEETING
TUESDAY, MARCH 1, 2016
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Karen McCulloh and Commissioners Usha Reddi, Linda Morse, Michael L. Dodson, and Wynn Butler were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, Legal Counsel Bill Frost, City Clerk Gary S. Fees, 11 staff, and approximately 50 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor McCulloh presented the following proclamations.

March 14-19, 2016, ***Brain Awareness Week***. Therese Miller, Member, Little Apple Pilot Club, and Chair, Brain Awareness Week Committee, was present to receive the proclamation.

March 2016, ***March For Meals Month***. Mary Jo Harbour, Immediate Past President, Riley County Council on Aging; Karen Mayse, Supervisor of the Meals on Wheels Program, Flint Hills Area Agency on Aging; and City Commissioner Linda Morse, Board Member, Flint Hills Area Agency on Aging, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor McCulloh opened the public comments.

PUBLIC COMMENTS (CONTINUED)

Carl Taylor, Pastor, Mount Zion Church of God in Christ, recognized the Mount Zion Board members in attendance and voiced concerns with the parking situation at the Douglass Center.

Ondre Miles, Board Member, Mount Zion Church of God in Christ, provided additional information on the current parking situation and use of the Douglass Center parking lot and street for overflow parking.

Carl Taylor, Pastor, Mount Zion Church of God in Christ, informed the Commission that the Mount Zion Board members are striving to support the City of Manhattan's mission statement by providing services identified in the Community Needs Assessment in Riley County including: 1) availability of services for people with low incomes; 2) positive activities for youth; 3) availability of employment; 4) availability of mental health services; and 5) childcare. He stated that their daycare services are provided at a cost, but all other services are provided free. He voiced concerns with the sidewalk that has not been replaced and expressed frustration with the lack of parking available and provided examples of ongoing parking issues between Mount Zion Church of God in Christ and the Douglass Center.

Mayor McCulloh stated that a meeting was planned on Thursday, March 3, 2016, to discuss the matter.

Carl Taylor, Pastor, Mount Zion Church of God in Christ, informed the Commission that the parking signs need to come down and stated that the leadership of Mount Zion Church of God in Christ understands that we are better together.

Pam Jackson, 2122 McDowell Avenue, informed the Commission that she was in favor of amending the City's non-discrimination ordinance to include sexual orientation and gender identity. She stated that she was not part of a coalition, but a member of the community. She thanked the clergy that have advocated for this change and thanked the Commission for giving attention to this important item.

Mayor McCulloh stated that the Human Rights and Services Board will have a public meeting on March 10, 2016, in the City Commission Room, to address the item.

Hearing no other comments, Mayor McCulloh closed the public comments.

COMMISSIONER COMMENTS

Commissioner Reddi informed the community that the Manhattan Public Library held a successful book sale February 26-28, 2016, with the help of many volunteers. She stated that Fake Patty's Day is Saturday, March 5, 2016, and encouraged everyone to be safe and cautious. She encouraged those interested in the Manhattan Caucus to get signed-up and stated the event will be held Saturday, March 5, 2016, with registration at 9:30 a.m., and voting will take place from 10:00 a.m. to 2:00 p.m. She stated that the Republican Party will be at the Manhattan High School west campus and the Democratic Party will be at the Susan B. Anthony Middle School. She encouraged those interested to check the website for additional information.

Mayor McCulloh stated that the Manhattan Public Library made approximately \$14,000.00 from the book sale on February 26-28, 2016. She reiterated that Fake Patty's Day is Saturday, March 5, 2016, and encouraged citizens to call the police at 911, if needed. She also announced that a delegation from the City of Clemson and Clemson University would be arriving in Manhattan on Saturday, March 5, 2016. She stated that the Flint Hills Region was recently named as one of the Top Ten Great American Defense Communities.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 16, 2016.

CLAIMS REGISTER NOS. 2814 and 2815

The Commission approved Claims Register Nos. 2814 and 2815 authorizing and approving the payment of claims from February 10, 2016, to February 23, 2016, in the amounts of \$247,258.68 and \$4,120,274.91, respectively.

LICENSES

The Commission approved a Merchant Guard Agency License for calendar year 2016 for DFW Security Protective Force, 5705 Airport Freeway, Fort Worth, Texas; a Tree Maintenance License for calendar year 2016 for M&S Tree Service, 703 North Mulberry, Abilene, Kansas; and an annual Cereal Malt Beverages Off-Premises License for Dillons #94, 1101 Westloop Place.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7200 – ANNEX – THE HARTFORD ADDITION

The Commission approved Ordinance No. 7200 annexing The Hartford Addition, an approximate 25.7 acre tract of land generally located 1,300 feet north of Grand Mere Parkway and Colbert Hills Drive, on the west side of the future extension of Grand Mere Parkway, based on conformance with the Manhattan Urban Area Comprehensive Plan, The Growth Vision, and the Capital Improvements Program.

ORDINANCE NO. 7201 – REZONE – THE HARTFORD ADDITION

The Commission approved Ordinance No. 7201 rezoning The Hartford Addition from County AG, General Agriculture District, to R-1, Single-Family Residential District, and R-3, Multiple-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 1*) and the recommendation of the Planning Board.

ORDINANCE NO. 7202 – AMEND – LOT 2, HERITAGE SQUARE SOUTH, UNIT FOUR, COMMERCIAL PLANNED UNIT DEVELOPMENT

The Commission approved Ordinance No. 7202 amending Ordinance Nos. 6607, 7062, and 7139 and the Preliminary Development Plan for Lot 2, Heritage Square South Unit Four, Commercial Planned Unit Development, generally located southeast of the intersection of South Port Drive and US-24 Highway, to be known as the Final Development Plan Lot 2, Heritage Square South, Unit Four, Commercial Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 2*).

DEVELOPMENT AGREEMENT – INTERLACHEN ADDITION, UNIT 3 – SANITARY SEWER IMPROVEMENTS (SS1602)

The Commission authorized the Mayor and City Clerk to execute a development agreement with Fieldhouse Development, Inc., for the Interlachen Addition, Unit 3, Sanitary Sewer improvements (SS1602).

AWARD CONTRACT – COURTYARDS AT LMH – SANITARY SEWER (SS1516), WATER (WA1518), AND STREET (ST1515) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$868,914.00; awarded a construction contract in the amount of \$480,829.52 to J&K Contracting, LC, of Junction City, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Sanitary Sewer (SS1516), Water (WA1518), and Street (ST1515) Improvements project.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – GRANDE BLUFFS AT MILL POINTE, UNIT 4 – SANITARY SEWER (SS1517), WATER (WA1520), AND STREET (ST1516) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$643,800.00; awarded a construction contract in the amount of \$460,451.48 to Kolde Construction, Inc., of St. Marys, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Grande Bluffs at Mill Pointe Addition, Unit 4, Sanitary Sewer (SS1517), Water (WA1520), and Street (ST1516) Improvements project.

AWARD CONTRACT - MUIRFIELD ADDITION - SANITARY SEWER (SS1418), WATER (WA1416), AND STREET (ST1423) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,803,691.00; awarded a construction contract in the amount of \$1,593,587.35 to Bayer Construction Company, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Muirfield Addition Sanitary Sewer (SS1418), Water (WA1416), and Street (ST1423) Improvements project.

AWARD CONTRACT – CDBG DOUGLASS COMMUNITY CENTER BUILDING IMPROVEMENTS, PHASE 2, PROJECT (CD1515)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$80,000.00 for the Base Bid, \$30,000.00 for Bid Alternate No. 1, and \$1,500.00 for Bid Alternate No. 2 for a total probable cost of \$111,500.00; awarded a construction contract in the amount of \$75,073.00 for the Base Bid, \$14,627.00 for Bid Alternate No. 1, and \$987.00 for Bid Alternate No. 2, for a total contract amount of \$90,687.00 to Cheney Construction, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Douglass Community Center Building Improvements, Phase 2, Project (CD1515).

AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 2036 STRONG AVENUE

The Commission accepted the bids for 2036 Strong Avenue; awarded the bid to the lowest responsible bidder, Ben Kitchens Painting Co., Inc., of Junction City, Kansas, in the amount of \$16,928.00; authorized the Mayor and City Clerk to enter into agreements with the contractor and the property owner for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

CONSENT AGENDA (CONTINUED)

AGREEMENT – EMPLOYMENT – CITY MANAGER

The Commission authorized the Mayor and City Clerk to execute a modified Employment Agreement between the City of Manhattan and City Manager Ronald R. Fehr, retroactive to the first pay period of 2016.

PURCHASE – UNIT #31 – STREET DIVISION – SINGLE AXLE, FIVE YARD DUMP TRUCK (CIP #ST038E)

The Commission authorized City Administration to purchase a single axle, five yard dump truck for the Street Division to replace Unit #31 (CIP #ST038E); and accepted the low bid with trade-in in the amount of \$84,579.00 (base bid of \$106,579.00 less trade-in of \$22,000.00) from Truck Center Company, of Salina, Kansas.

LEASE AGREEMENT - UNIT #31 – STREET DIVISION – SINGLE AXLE, FIVE YARD DUMP TRUCK (CIP #ST038E)

The Commission authorized the Mayor and/or City Clerk to execute a lease purchase agreement for a single axle, five yard dump truck for the Street Division to replace Unit #31 (CIP #ST038E), with payments to be made from the General Fund.

PURCHASE – BLUE EARTH PLAZA WATER FEATURE – REPLACE FOUNTAIN COMPONENTS

The Commission authorized a sole source purchase of fountain replacement components for the Blue Earth Plaza in the amount of \$48,098.24, from Crystal Fountains, of Concord Ontario, Canada, utilizing South End Transportation Development District revenues.

BOARD APPOINTMENTS

The Commission approved appointments by Mayor McCulloh to various boards and committees of the City.

Aggieville Business Improvement District Advisory Board

Appointment of Bo Harris, 2814 Oregon Lane, to fill the unexpired term of Jeff Koenig. Mr. Harris' term begins immediately, and will expire December 31, 2016.

Housing Authority Board of Commissioners

Re-appointment of Jamie Schrock, 5121 Vista Acres Drive, to a four-year term. Ms. Schrock's term will begin March 4, 2016, and will expire March 3, 2020.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS (*CONTINUED*)

Human Rights and Services Board

Re-appointment of Mary Beth Reese, 2008 Ivy Drive, to a three-year term. Ms. Reese's term will begin March 10, 2016, and will expire March 9, 2019.

Commissioner Reddi moved to approve the consent agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FINAL REPORT - COMMUNITY SURVEY

Kiel Mangus, Assistant City Manager, introduced the item and Dr. Josephine Shafer.

Dr. Josephine Schafer, Assistant Professor, Political Science, Kansas State University, presented an overview of the process, statistical validity, descriptive results, and analysis of the community survey. She highlighted the response rate by neighborhoods; the agreement with statements about City Government; the sources of information about the City; the number of interactions with the City in the past 12 months; responses from the question "what do you like about living in Manhattan" and "what is something you think the City should improve on"; and discussed satisfaction levels across many service areas. She then responded to questions from the Commission.

Kiel Mangus, Assistant City Manager, provided additional information on the community survey and responded to questions from Commission.

Dr. Josephine Schafer, Assistant Professor, Political Science, Kansas State University, discussed the strategic priority growth-related projects, the support for street maintenance, and the satisfaction with quality of neighborhood by neighborhoods. She responded to questions from the Commission regarding the means to pay for growth-related projects and stated there was a good cross section from different people that responded to the survey that are not usually engaged in local government.

After comments from the Commission, Kiel Mangus, Assistant City Manager, provided additional information on the completed survey. He informed the Commission that this survey will also be sent to utility customers and the results of the survey will be posted on the City's website when completed.

Mayor McCulloh opened the public comments.

GENERAL AGENDA (CONTINUED)

FINAL REPORT - COMMUNITY SURVEY (CONTINUED)

Charly Pottorff, 3761 Cumberland Road, stated that there is already a lot of money invested in playgrounds at the schools and parks that can be used by adults as well for outdoor recreation. He informed the Commission that there are plenty of opportunities to work out and you do not need to go to a fancy gym.

Hearing no other comments, Mayor McCulloh closed the public comments.

Kiel Mangus, Assistant City Manager, informed the Commission that the Parks and Recreation survey completed a few months ago contained good data on the usage of the City's playgrounds and recreation information.

Mayor McCulloh and the Commission thanked Dr. Josephine Schafer, Assistant Professor, Political Science, Kansas State University, for her excellent work and presentation.

As this was a discussion item only, no formal action was taken on the item.

FINAL DESIGN - WEST ANDERSON AVENUE (ST0810)

Rob Ott, Director of Public Works, introduced and provided background information on the item.

Jason Hoskinson, Project Engineer, BG Consultants, Inc., presented information on the West Anderson Avenue Intersection at Anneberg Drive/Sharingbrook and stated that the data collected currently does not warrant a traffic signal at this intersection. He also presented updates on the proposed Anneberg Park sidewalk, the West Anderson Avenue trail and sidewalk and the Cumberland Trail option with limestone screenings, the size of the roundabout, the flashing crossing signal on the east leg of the roundabout, and information on lighting and overhead utilities. He then responded to questions from the Commission.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding the proposed Hawk signal for pedestrians and the potential to explore an underpass on West Anderson Avenue near Anneberg Drive and Sharingbrook.

Jason Hoskinson, Project Engineer, BG Consultants, Inc., provided additional information on the West Anderson Avenue and Scenic Drive/Kimball Avenue intersection and presented diagrams of the proposed roundabout and other roundabouts in the area that were recently constructed. He also highlighted the bike/pedestrian infrastructure proposed and input received from the Bicycle and Pedestrian Advisory Committee.

GENERAL AGENDA (CONTINUED)

FINAL DESIGN - WEST ANDERSON AVENUE (ST0810) (CONTINUED)

Rob Ott, Director of Public Works, responded to questions from the Commission regarding easements and rights-of-way along West Anderson Avenue and the property owned by Stonecreek Physicians. He also highlighted the proposed bike and pedestrian infrastructure, presented an elevation view along West Anderson Avenue, and discussed connectivity using the current Anneberg Park pedestrian bridge.

After discussion and comments from the Commission about the roundabout and pedestrian signal proposed for the east leg of the roundabout, Jason Hoskinson, Project Engineer, BG Consultants, Inc., responded to questions from the Commission. He stated that slower speeds near the roundabout makes pedestrian traffic safer and further away from the roundabout will result in higher vehicular speeds.

Rob Ott, Director of Public Works, provided clarification on the location and the type of proposed crossing mechanism to be installed east of the roundabout. He then responded to questions from the Commission regarding the proposed Cumberland Trail and stated that if the Commission desires not to use Cumberland Road, they would focus their efforts along West Anderson Avenue. He also discussed considerations and plans on the alignment for pedestrian and bicycle connectivity to the neighborhoods.

Jason Hoskinson, Project Engineer, BG Consultants, Inc., responded to questions from the Commission regarding possible lighting along the trails, discussed options for the Wildcat Creek crossing on the Scenic Drive bridge, and highlighted projected costs for the trail.

Rob Ott, Director of Public Works, informed the Commission that there are ongoing discussions with Westar about burying the overhead electric on the north side of Anderson Avenue along the Scenic Crossing property, near the roundabout, and along the south side of Anderson Avenue west of Scenic Drive.

Ron Fehr, City Manager, provided clarification on the proposed sidewalks and projected costs.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding the Wildcat Creek bridge crossing. He also provided additional information about the trail and connectivity.

Eddie Eastes, Director of Parks and Recreation, responded to questions from the Commission regarding maintenance of the Linear Trail system. He stated that the Parks and Recreation Department policy is to grate the trails and maintain sufficient screening material twice a year.

GENERAL AGENDA (CONTINUED)

FINAL DESIGN - WEST ANDERSON AVENUE (ST0810) (CONTINUED)

Mayor McCulloh opened the public comments.

Charly Pottorff, 3761 Cumberland Road, voiced concerns using the Cumberland Road location for a trail. He stated that trucks are coming in all the time and that he has a lot of machinery on his property and did not want to put a fence or gate up. He informed the Commission that this is not the right place for a trail.

Keith Westervelt, Owner, Blueville Nursery, informed the Commission that this item has been discussed since 2009 and it is time to get it done.

Dave Coburn, Member, Manhattan Bicycle and Pedestrian Advisory Committee, provided additional information on the item. He voiced concern on how to safely get pedestrians and children across Scenic Drive. He agreed with Mr. Westervelt that this project needs to get completed. He then responded to questions from the Commission regarding busing of elementary children for Unified School District (USD) 383 in neighborhoods near Scenic Drive.

Mayor McCulloh stated that the Bicycle and Pedestrian Advisory Committee would be presenting at the Tuesday, March 8, 2016, City Commission Work Session.

Hearing no other comments, Mayor McCulloh closed the public comments.

Rob Ott, Director of Public Works, asked for clarification from the Commission on the possible bid alternates, highlighted the Commission action items, and discussed the suggestion for an underground pedestrian bridge.

After further comments from the Commission, Ron Fehr, City Manager, provided clarification on the potential bid alternates for the project. He stated that the suggested pedestrian underpass concept near Anneberg Park could be further explored at a later time with a potential grant opportunity.

After additional discussion and comments from the Commission, Commissioner Butler moved to direct City Administration to finalize the design of the West Anderson Avenue project based upon direction by the City Commission and authorize City Administration to proceed with the construction bidding process based upon the final design for the West Anderson Avenue Transportation Expansion project (ST0810). Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

At 9:35 p.m., the Commission took a brief recess.

GENERAL AGENDA (CONTINUED)

APPROPRIATION OF EXCESS SALES TAXES – CITY PARK POOL, CICO POOL, NORTHVIEW POOL PROJECTS

Kiel Mangus, Assistant City Manager, presented an overview of the item. He then responded to questions from the Commission regarding the excess sales taxes and proposed uses.

Eddie Eastes, Director of Parks and Recreation, responded to questions from the Commission regarding the ultra violet (UV) protection system, related savings and provided information on the use and maintenance of the wave rider in City Pool.

Kiel Mangus, Assistant City Manager, outlined the next steps and stated the items will come before the Commission based on the City's Purchasing Policy requirements.

Jason Hilgers, Deputy City Manager, and Ron Fehr, City Manager, responded to questions from the Commission regarding the debt repayment and information on the Capital Improvement Program (CIP) process and use of these funds.

After comments from the Commission, Ron Fehr, City Manager, and Kiel Mangus, Assistant City Manager, responded to questions regarding the deteriorated condition of the asphalt parking lot at CiCo Pool and drainage issues.

Eddie Eastes, Director of Parks and Recreation, provided additional information on the current condition of CiCo Pool and stated that the parking lot is in bad shape.

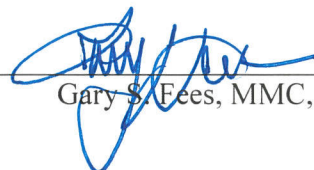
Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After further discussion and comments from the Commission, Commissioner Butler moved to appropriate and approve the expenditure of \$1 million of Excess Funds from the Quality of Life Sales Tax, including the 2016 transfer of \$450,000.00 for City Park Pool and \$550,000.00 for Northview/CiCo Pools projects. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 10:06 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

APPLICATION: To rezone The Hartford subdivision for single-family homes and multiple-family homes. The multiple-family homes are proposed to be four-family dwelling units.

FROM: Ag, Riley County General Agriculture

TO: Tract 1: R-1, Single-Family Residential District
Tract 2: R-3, Multiple-Family Residential District

APPLICANT: SMH Consultants, Ashley Jaderborg

OWNER: Burton Land Company, Zac Burton

LEGAL DESCRIPTION: Unplatted tract of land in the Southeast Quarter of Section 33, Township 9 South, Range 7 East.

LOCATION: Generally located 1,300 feet north of the intersection of Colbert Hills Drive and Grand Mere Parkway, on the west side of the future extension of Grand Mere Parkway

AREA: THE TOTAL AREA OF REZONING IS 25.7 ACRES.

Tract 1: 21.2 acres - Rezone from County AG to R-1 District
Tract 2: 4.5 acres - Rezone from County AG to R-3 District

DATE OF NEIGHBORHOOD MEETING: December 3, 2015

DATE OF PUBLIC NOTICE PUBLICATION: December 30, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: January 21, 2016
CITY COMMISSION: February 16, 2016

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Open rangeland.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is typical Flinthills landform consisting of open range land and wooded ravines. The site generally on a ridgeline to the northeast of the Grand Mere neighborhood and drains generally to the east, southeast towards Little Kitten Creek.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Rangeland associated with Kansas State University; County AG, General Agriculture

SOUTH: Agricultural and range land that is planned as a future residential neighborhood of Grand Mere and the Colbert Hills Golf Course; Riley County Residential Planned Unit Development, R-S, Single-Family Residential Suburban.

EAST: Grand Mere Parkway right-of-way, Baltusrol Addition, and Colbert Hills Golf Course; R-1, Single-Family Residential District and R-S District.

WEST: Rangeland associated with the remainder of The Hartford Hills Master Plan Community.

4. GENERAL NEIGHBORHOOD CHARACTER: The general area is a mixture of undeveloped land, land recently platted and in the early stages of development, Colbert Hills Golf Course and rural range land.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is zoned Riley County AG, General Agriculture and is currently open rangeland. In October, 2015, the site and land to the west and north was included in The Hartford Hills Master Plan Community Plan. The site is envisioned to be annexed into the City and rezoned for residential uses. Although the site is suitable to remain as agriculture/range land, the area is intended to be developed to City standards as an identified growth area.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning request is compatible to surrounding properties. An increase in light, noise and traffic is expected, however these increases should cause minimal impact on the adjacent golf course and residential properties. The proposed Preliminary Plat of The Hartford subdivision shows single-family lots that range from 0.68 acres to 0.2.84 acres in lot area. The proposed lots are similar to the single-family lots found in the adjacent Grand Mere Development and are proposed to have homes similar in character to the existing homes in that neighborhood. The lots to be zoned R-3 District are for four-family dwellings and are all approximately 0.50 acres in area. Similar uses are found in the general area in the Grand Mere Development. These multiple-family dwellings are

proposed to be of similar architectural character as other residential uses in the surrounding areas.

The applicant held a neighborhood meeting on December 3, 2015. According to the meeting report, two neighbors attended the meeting. Their questions were relative to the time of the project and construction types proposed.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

The proposed annexation site is shown on the Future Land Use map in the Northwest Planning Area. The annexation area is designated as Residential Low Medium (RLM) in a Growth Area and Master Plan Area. The Hartford Hill Master Plan was adopted by the City on October 20, 2015 to provide a land use, stormwater and infrastructure master plan for the annexation site.

RLM policies include:

RLM-1: Characteristics

The Residential Low to Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with policies for Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM-2: Appropriate Density Range

Densities in the Residential Low to Medium Density designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM-3: Location

Residential Low to Medium Density neighborhoods typically should be located where they have convenient access to and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including parks, schools, shopping areas, transit and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping, and recreational activities. The Residential Low to Medium Density designation includes most established neighborhoods outside of the core area as well as future residential growth areas to the west and east.

RLM-4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of architectural styles is strongly encouraged in all new development, particularly when a single housing type (e.g. detached single-family) is prevalent.

Hartford Hill Master Plan

The Hartford Hill Master Plan was approved in October, 2015 and developed site concepts for the residential neighborhood as well as stormwater, transportation and infrastructure master plan elements to accompany the proposed land uses.

The annexation site is in Development Area “A”, which is designated as Low/Medium Density Residential. The residential density range for this land use is 0 – 11 dwelling units per net acres.

The Site Concepts section describes the policies set forth for future land uses in the neighborhood master plan.

A range of land use designations are proposed throughout the 320 acres of Hartford Hill as shown on Figure 2. Most will be associated in some fashion with “residential” uses of varying densities. However, a small component of other land uses such as “commercial” for professional offices are included. A small parcel is also shown for the inclusion of a “research park”. As previously mentioned, the potential for a “school” site is also included, even though under current zoning regulations a school is a permitted use within all residential zones.

Other areas will include open spaces that are just that, open and undisturbed. Or there may also be open spaces that are developed with amenities like hiking and biking trails. The overall development approach is to begin with Development Area A and proceed westward through Development Area E.

Areas with steep slopes, generally defined as greater than 20%, will be avoided except for the occasional crossing of a buried utility, or roadway, or nature trail. Areas that contain steep, natural ravines will generally be maintained as riparian open spaces to help with stormwater management and quality of stormwater runoff. Most of these areas will be privately owned.

The proposed vision for development of Hartford Hill is shown in Figure 2. Flexibility is the key to any master plan that involves a 320 acre parcel that will take years to develop. As development evolves over the years, market and other conditions may change and minor adjustments to the proposed land use designations in Figure 2 may become necessary.

Residential land uses are shown on the Development Diagram in shades of yellow consistent with the color codes used in the MUACP. Densities with the yellow shading are consistent with the low to medium (0 to 11 dwelling units per acre) category.

All other potential land uses are also depicted in colors consistent with the MUACP.

Attachment No. 1

If the future market conditions eliminate any of the potential uses shown on the Development Diagram that are not “residential”, it is probable the back-up land use will be low to medium density residential.

It should be understood that even though the City’s residential density categories include large ranges, it is highly likely the residential areas within Hartford hill will develop at much less dense coverage. The actual number will be very close to the lower end of each of the categories. History has proven that even when efforts are made to create more dense settings within residential plats in hilly terrain, the resulting density ratio is about 1.6 dwelling units per gross acre. Assuming Hartford Hill develops in a similar manner, which is the plan, a likely number of total dwelling units for the entire 320 acres will be between 500 and 600.

There is no desire on the part of the developer to incorporate a commercial, retail component in this master plan. There are two such commercial nodes within Grand Mere just east of Hartford Hill. One is less than ½ mile east, and the other is approximately 1 ½ miles south.

The developer of Hartford Hill plans to establish master homeowner’s association that will be governed by private covenants. This association will include a private design review committee that will be involved in the review and approval of individual site/structure designs to be constructed within Hartford Hill.

The Preliminary Plat of The Hartford shows a net density of 1.87 dwelling units per net acre. The area to be rezoned to R-1 District has a net density of 1.03 dwelling units per net acre. The R-3 District rezoning area has a residential density of 6.90 dwelling units per net acre. As a way to ensure that the Comprehensive Plan is followed, even with high density residential rezoning requests, the developer has filed a restrictive covenant limiting the development potential for the entire Hartford Hills Master Plan area to no more than 11 dwelling units per net acre (see attached). The proposed rezoning conforms to the Comprehensive Plan and The Hartford Hills Master Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

The site is undeveloped rangeland located in rural Riley County. On September 10, 2015, the Manhattan Urban Area Planning Board approved Resolution No. 091015-A amended the Manhattan Urban Area Comprehensive Plan to include The Hartford Hills Master Planned Community plan. On October 20, 2015, the City Commission approved Ordinance No. 7170 to amend the Comprehensive Plan to include The Hartford Hills Master Planned Community plan.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations because proposed lot sizes conform to the minimum requirements of the R-1 and R-3 Districts. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

The R-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 7,500 square feet. The Preliminary Plat shows the single-family lots (Lots 1 – 14) ranging from approximately 29,708 square feet (0.68 acres) in area up to 123,760 square feet (2.84 acres) in area, with the majority of lot sizes being approximately 43,000 square feet in area. The proposed lots conform to the requirements of the proposed R-1 District.

The R-3 District is designed to provide for multiple-family development at a density no greater than one (1) dwelling unit per 1,000 square feet. The proposed rezoning requests are consistent with the purpose and intent of the Zoning Regulations. The Preliminary Plat shows the multiple-family lots (Lots 15 - 21) ranging from approximately 23,000 square feet (0.50 acres) in area up. The proposed lots conform to the requirements of the proposed R-3 District.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. The proposed Preliminary Plat conforms to the Manhattan Urban Area Subdivision Regulations. It may be a hardship to the applicant if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public services, sanitary sewer, water, and public streets can be extended to serve the development.

12. OTHER APPLICABLE FACTORS: Fort Riley was notified of this rezoning, due to it being located in the Critical Area. The Fort encourages use of noise disclosure and noise reduction measures in homes, and to take into account potential effects of operational noise of the Fort on activities in the park. City Administration will provide the “Notice of Potential Impact” on building permits for this subdivision. The Hartford Hill Master Plan outlines additional measure the developer will utilize, including providing noise disclosure

Attachment No. 1

to home buyers through notes on plats, statements files on the deed of each lot, and in marketing materials. In addition, the developer is establishing best management practices for builders including lot by lot analysis of the placement and orientation of structures to minimize noise impacts.

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of The Hartford from Riley County AG, General Agriculture, to R-1, Single-Family Residential District and R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of The Hartford from Riley County AG, General Agriculture, to R-1, Single-Family Residential District and R-3, Multiple-Family Residential District, based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of The Hartford, generally located in the southeast corner of the Hartford Hills Master Plan area, from Riley County AG, General Agriculture, to R-1, Single-Family Residential District and R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Senior Planner

DATE: January 13, 2016

CB/vr
16006}SR}RezoneTheHartford_R1&R3

AN AMENDMENT OF ORDINANCE NOS. 6607, 7062 AND 7139 AND THE PRELIMINARY DEVELOPMENT PLAN FOR LOT 2, HERITAGE SQUARE SOUTH, UNIT FOUR, PROPOSED AS A FINAL DEVELOPMENT PLAN.

BACKGROUND

The proposed amendment is required because:

Condition No. 2, Ordinance No. 7139, states, “An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 1, 2, 3 and 4 Heritage Square South, Unit Four.”

Note: The Final Development Plan is for Lots 2, Heritage Square South, Unit Four.

APPLICANT: Stacey Niedfeldt

ADDRESS: 4668 Meadow Lane, Wamego, KS 66547

OWNER:

ADDRESS: 4345 Rory Road, Manhattan, KS 66502

LEGAL DESCRIPTION: Lot 2, Heritage Square South Unit Four P.U.D.

LOCATION: Generally located to the southeast of the intersection of U.S. Highway 24 and South Port Road.

AREA: 86,355 square feet (1.98 acres)

DATE OF NEIGHBORHOOD MEETING: November 4, 2015.

DATE OF PUBLIC NOTICE PUBLICATION: December 14, 2015

An error occurred in the original legal notice to property owners. The item was re-advertised on December 30, 2015 for the January 21, 2016 Planning Board meeting.

DATE OF PUBLIC HEARING: PLANNING BOARD: January 21, 2016.

CITY COMMISSION: February 16, 2016.

EXISTING PUD:

EXISTING PUD AFFECTING LOT 2, HERITAGE SQUARE SOUTH, UNIT 4

Ordinance No. 6607

The Heritage Square South Commercial Planned Unit Development, and Ordinance No. 6607, approved February 6, 2007, is subject to the following conditions of approval:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District, except for Adult Businesses and Commercial off-street parking lots as a Principal Use. Additional Permitted Uses include: Antique shops; Apparel stores; Blueprinting, desktop publishing, and photocopying establishments; Book stores; Camera and photographic supply stores; Carpet and rug stores; China and glassware stores; Department stores; Farm and ranch supply stores; Florist shops; Furrier shops; Governmental buildings; Hardware stores; Hobby shops; Motel; Medical clinic; Outdoor seating for restaurants; and Tavern.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto streets or adjacent property.
5. Ground Signs shall be permitted and constructed as proposed.
6. Wall signs shall be permitted as proposed.
7. One (1) pole sign shall be permitted per lot on Lots 6, 7, 8 and 10, and no pole signs shall be permitted on Lots 1, 2, 3, 4, 5 and 9. Pole signs shall have a maximum total height of 50 feet above the ground; shall not exceed a maximum total 120 square feet in area; and shall include skirting of the pole. The skirting and the base of pole signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and, pole signs shall include an enhanced landscaped area around the base.
8. Exempt signage shall be permitted as described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited. *See Article VI, Section 6 -102 (A)(2) under the amended sign regulations for exempt signage.*
9. Traffic and drainage improvements to US-24 shall be provided as required by the Kansas Department of Transportation, and the applicant shall submit with the Final Plat either the approved access permit, or a letter from a KDOT representative authorizing the project based on the approved concept.
10. Drainage improvements shall be provided as proposed in the application documents and as per the City Engineer's requirements.
11. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 2, 3, 4, 5, 7, 8 and 10.

Ordinance No. 7062

The Heritage Square South Commercial Planned Unit Development, and Ordinance No. 7062, approved February 14, 2014, is subject to the following conditions of approval:

1. The Final Plat of Heritage Square South, Unit Three shall be approved.
2. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lot 2, Heritage Square South, Unit Three.

Ordinance No. 7139

The Heritage Square South Commercial Planned Unit Development, and Ordinance No. 7139, approved May 19, 2015, is subject to the following conditions of approval:

1. The Final Plat of Heritage Square South, Unit Four, shall be approved.
2. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 1, 2, 3 and 4 Heritage Square South, Unit Four.

Permitted Uses

Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District, except for Adult Businesses and Commercial off-street parking lots as a Principal Use. Additional Permitted Uses include: Antique shops; Apparel stores; Blueprinting, desktop publishing, and photocopying establishments; Book stores; Camera and photographic supply stores; Carpet and rug stores; China and glassware stores; Department stores; Farm and ranch supply stores; Florist shops; Furrier shops; Governmental buildings; Hardware stores; Hobby shops; Motel; Medical clinic; Outdoor seating for restaurants; and Tavern.

PUD AMENDMENT AND PROPOSED IMPROVEMNTS

Proposed Use and Building: The applicant has proposed to establish an indoor family entertainment center, complete with a laser tag area, “Ballocity” indoor play area, arcade, party rooms, commercial kitchen and dining area and business offices. “Ballocity” is a shoes off, multi-level, enclosed play area for all ages.

The proposed use will be in a new 120 foot by 125 foot metal building located near the rear of the lot. The exterior of the building will have a contemporary design using smooth architectural siding, smooth limestone masonry and vertical architectural metal siding. The building will be approximately 31 feet tall to the room peak.

The building will be setback approximately 200 feet from the front property line along South Port Drive. In front of the building will be the off-street parking lot with 86 spaces and landscape areas.

Proposed Signs: The applicant materials shows a representation of where a large internally illuminated wall sign will be located on the proposed building. The area for the wall sign is approximately 7 feet tall and 39 feet wide. Additionally, 2 smaller projecting signs (approximately 5 foot by 5 foot) are proposed on the east and west building facades.

The Heritage Square PUD is generally based on the C-5, Highway Service Commercial District. Comparing the proposed signage of the PUD Amendment to the C-5 District Regulations, the wall signs are permitted, with no limitation of number signs. The C-5 District would allow up to 1,044 square feet of surface area (4 square feet of signage for each linear foot of street frontage (80.25 feet), provided no sign is to exceed 260 square feet in surface area. The wall sign location area is approximately 260 square feet. However the final design of the wall sign has not been completed.

Proposed Lighting: The application materials show 25 foot tall LED light poles to be installed in the off-street parking lot. A wall mounted light will be installed on the east wall of the proposed building to illuminate the off-street parking lot in that area. Per the Manhattan Zoning Regulations, all lights are required to be shielded and fully cut off at the property line.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The proposed amendment is consistent with the intent and purpose of the approved commercial PUD to consist of a broad range of highway service and retail uses. The approved Preliminary PUD shows a large, “anchor” commercial building footprint (approximately 87,000 square feet of floor/lot area and 21,000 square feet of outdoor storage) and a large parking to the north of the proposed building. The general area where the proposed development on Lots 2, Heritage Square South, Unit Four is shown on the Preliminary Development Plans as the off-street parking lot associated with the “anchor” commercial building.

The proposed PUD Amendment should not limit the original use PUD or the commercial center and will promote the efficient development of the site, and PUD, by allowing construction of uses intended to be part of the commercial shopping area.

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The amendment is made necessary because Condition No. 2 of Ordinance No. 7139, requires an amendment of the PUD prior to issuance of any permits for development. Lots 1, 2, 3 and 4, Heritage Square South, Unit Four are the only vacant land left in the commercial development.

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The proposed amendment will result in a gain to the public by allowing development of a vacant tract of land. The amendment is necessary because of the condition of the approval of the Ordinance creating the PUD and not because the amendment will confer a special benefit to any person.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: Landscaping will consist of deciduous and evergreen trees, shrubs, perennials flowers, ornamental grasses, and irrigated lawn areas.

2. SCREENING: A six (6) foot tall wood picket screening fence with gate enclosure will surround the trash dumpster that is to be located on the southeast corner of the site.

3. DRAINAGE: The site will drain towards the northeast corner of the lot and be collected by an area inlet then directed, via underground infrastructure, towards South Port Drive where it will enter the public stormwater system. The site is not located within a regulated floodplain (*see Physical & Environmental Characteristics below*).

4. CIRCULATION: The existing street system provides an internal circulation plan which is safe, convenient and efficient for movement of goods, motorists, and pedestrians. Conflicts between motorists and pedestrians are minimized. Both proposed Lots 4, Heritage Square South, Unit Four will gain access from the internal street system.

Pedestrian Access. Pedestrians will be accommodated by sidewalks that will be constructed throughout the development located along one side of all streets as the area develops.

A public sidewalk will be constructed in South Port Drive right-of-way along both lots of the proposed subdivision. A sidewalk from South Port Drive will lead to the building.

Attachment No. 2

Traffic. A Traffic Report was submitted and accepted by the City Engineer in 2006. Access to the development is from U.S.-24 Highway onto a main entry drive to the internal streets of the development, which connect to the east and west of the PUD. Major highway improvements including left turning lanes, a traffic signal and closure of two existing median crossings, were constructed with the original PUD.

Off-Street Parking. Eighty-six (86) off-street parking spaces are shown on the Final Development Plans for Family Entertainment Center. The Zoning Regulations does not have a specific off-street parking requirement for this use. In these situations, research can be done by City Administration for parking standards for comparable uses or a minimum standard of 1 space for each 200 square feet of floor area can be applied to the commercial use. Considering the unique commercial use, the 1 parking space per 200 square foot minimum standard was applied. The 15,000 square foot building would require a minimum of 75 off-street parking spaces. It appears that adequate parking will be provided for the commercial use.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: Landscaping and lawn areas identified on the lot for Family Entertainment Center.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is generally characterized as a major highway service commercial street corridor with retail uses near, and along both sides, of US 24 Highway.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The site is currently a vacant lot.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is relatively flat, irregular shaped lot to the south of South Port Drive. The effective Flood Insurance Rate Map (FIRM) Panel 359 of 500 dated March 16, 2015, shows the site to be within the 0.2% annual chance flood plain (500-year).

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** U.S.-24 Highway, Dollar General, Aarons, Fastenal; PUD, and undeveloped tract (future Heritage Square North); Pottawatomie County CH, Highway & Commercial Corridor District.

(b.) **SOUTH:** Leiszler Oil Company corporate office and warehouse and Midland Exterior showroom and office buildings under construction, Railroad, agricultural fields, Kansas River; PUD, Heritage Square South PUD, Pottawatomie County A-1, General Agriculture District.

Attachment No. 2

(c.) EAST: Vacant Lot in the Heritage Square South PUD, furniture sales, storage units, and similar highway service commercial and retail uses, livestock sales; PUD, Heritage Square South PUD, Pottawatomie County CH, Highway & Commercial Corridor District.

(d.) WEST: Vacant Lot in the Heritage Square South PUD, Commercial strip center with restaurant, offices and retail, Convenience store; PUD, Heritage Square South PUD.

4. GENERAL NEIGHBORHOOD CHARACTER: See above under **No. 6, CHARACTER OF THE NEIGHBORHOOD.**

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for commercial development for the uses under the current zoning, as approved with the Preliminary Development Plan, subject to Condition No. 11, Ordinance No. 6607, Condition No. 2, Ordinance 7062, and Condition No. 2, Ordinance 7139.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Minimal impact on adjacent commercial property in the Heritage Square South PUD with respect to light, noise, and traffic is anticipated. The original Lot 10, Heritage Square South PUD was intended to develop as a large, “anchor” commercial lot. A previous Final Plat divided the platted lot into five (5) separate lots. The proposed Final Development Plan for Lots 2, Heritage Square South, Unit Four creates a commercial use that is in a manner similar to other commercial sites in the PUD.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the site as Community Commercial (CC). The Comprehensive Plan also reflects the land use designation of the US 24 Corridor Plan developed by Pottawatomie County. The site is also subject to the US 24 Corridor Special Planning Area Policies in the Comprehensive Plan.

The existing PUD was found to conform to the Comprehensive Plan in 2006. The proposed PUD amendment conforms to the Manhattan Urban Area Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

June 29, 2006: City of Manhattan receives requests for island annexation of the proposed Heritage Square North and Heritage Square South tracts from Roger Schultz and Rob Eichman.

Attachment No. 2

- July 11, 2006: City Commission approves Resolution Nos. 071106-H & I, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the requested island annexation of Heritage Square North and Heritage Square South.
- July 27, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexations of Heritage Square North and Heritage Square South.
- August 15, 2006: City Commission approves first reading of ordinances annexing Heritage Square North and Heritage Square South; and, approves Resolution No. 081506-A, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the island annexation of that portion of the US 24 Right-of-way that adjoins Heritage Square.
- August 18, 2006: City of Manhattan receives Consent To Annexation from the Kansas Department of Transportation for that portion of the US Highway 24 right-of-way that adjoins Heritage Square South, consisting of 6.791 acres.
- August 21, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexation of that portion of the US Highway 24 right-of-way that adjoins Heritage Square South.
- October 16, 2006; Manhattan Urban Area Planning Board holds public hearing and recommends approval (7-0), of the rezoning the proposed Heritage Square South and the adjoining US Highway 24 right-of-way from County - CH, Highway & Commercial Corridor District, to PUD, Commercial Planned Unit Development District.
- November 7, 2006 City Commission approved first reading of an ordinance annexing the 6.8-acre portion of the US Highway 24 right-of-way that adjoins the Heritage Square South development; and, approved first reading of an ordinance rezoning the proposed Heritage Square South development and the adjoining portion of US Highway 24 right-of-way, to PUD, Planned Unit Development District.
- February 6, 2007 City Commission approves Ordinance No. 6606 annexing proposed Heritage Square North, proposed Heritage Square South and the 6.8-acre portion of the US Highway 24 right-of-way that adjoins Heritage Square South; and, approved Ordinance No.6607 rezoning

Attachment No. 2

the Heritage Square South and the adjoining portion of US Highway 24 right-of-way, to PUD, Commercial Planned Unit Development District.

- March 5, 2007 Manhattan Urban Area Planning Board approves the Final Development Plan (Lots 1, 6, and 9) and Final Plat of the Heritage Square South Addition (Lots 1-10).
- March 15, 2007 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South Addition.
- July 17, 2007 City Commission approves first reading of an ordinance renaming Heritage South Road to South Port Road, and Heritage Square Drive to South Port Drive, in Heritage Square South P.U.D. Addition.
- August 14, 2007 City Commission approves Ordinance No. 6651 renaming Heritage South Road to South Port Road, and Heritage Square Drive to South Port Drive, in Heritage Square South P.U.D. Addition.
- January 24, 2013 Manhattan Urban Area Planning Board recommends approval of proposed amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, based on the findings in the Staff Report.
- February 19, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development.
- March 5, 2013 City Commission approves Ordinance No. 6991 amending the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development and Ordinance No. 6607, as proposed, based on the findings in the Staff Report.
- June 3, 2013 Manhattan Urban Area Planning Board recommends approval of a proposed amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the

Attachment No. 2

Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, based on the findings in the Staff Report; and approves the Final Plat of Heritage square South Unit Two PUD.

- June 18, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development.
- July 2, 2013 City Commission approves Ordinance No. 7010 amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development; and, accepts the easements associated with Lot 2 and Lot 3, Heritage Square South Unit two PUD.
- July 2, 2013 City Commission accepts the easements as, as shown on the Final Plat of Heritage Square South, Unit Two PUD.
- July 15, 2013 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lots 4 and 5, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 4 and Lot 5, Heritage Square South Commercial Planned Unit Development, based on the findings in the Staff Report
- August 6, 2013 City Commission approves first reading of an Ordinance amending the Preliminary Development Plan of Lot 4, and Lot 5, Heritage Square South Commercial Planned Unit Development (PUD), and Ordinance No. 6607, to be known as the Final Development Plan of Lot 4 and Lot 5, Heritage Square South Commercial PUD.

Attachment No. 2

- August 20, 2013 City Commission approves Ordinance No. 7035 amending the Preliminary Development Plan of Lot 4, and Lot 5, Heritage Square South Commercial Planned Unit Development (PUD), and Ordinance No. 6607, to be known as the Final Development Plan of Lot 4 and Lot 5, Heritage Square South Commercial PUD.
- January 6, 2014 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Salisbury Supply, Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development; and approves the Final Plat of Heritage square South Unit Three PUD.
- January 21, 2014 City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial as proposed.
- February 4, 2014 City Commission approves Ordinance No. 7062 amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial as proposed, to allow construction of the proposed Salisbury Supply store on proposed Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development; and accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South, Unit Three, Commercial Planned Unit Development.
- April 20, 2015 Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6607 and Ordinance No. 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development, with two conditions of approval.
- May 5, 2015 City Commission approves first reading of an ordinance amendment of Ordinance No. 6607 and Ordinance No. 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development.

Attachment No. 2

- May 19, 2015 City Commission approves Ordinance No. 7139 amending Ordinance Nos. 6607 and 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South, Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development.
- May 19, 2015 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South, Unit Four, Commercial Planned Unit Development.
- August 17, 2015 Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance Nos. 6607, 7062 and 7139, and the Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial PUD, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial PUD, based on the findings in the Staff Report.
- September 1, 2015 City Commission approves first reading of an ordinance amending the PUD as proposed.
- September 15, 2015 City Commission approves Ordinance No. 7166 amending Ordinance Nos. 6607, 7062, and 7139 and the Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, generally located southeast of the intersection of South Port Drive and US-24 Highway, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout.

Attachment No. 2

The proposed PUD amendment is consistent with Ordinance No. 6607, Ordinance No. 7062, Ordinance No. 7139, and the approved PUD, the Manhattan Zoning Regulations, and PUD requirements of the Manhattan Zoning Regulations. The amendment process is required before development of the site can proceed. The amendment process insures the PUD conforms to the requirements of all regulations.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. No adverse affects on the public are anticipated as a result of the amendment. Denial of the rezoning may be a hardship to the owner.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the development.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: All provisions of Ordinance No. 6607, Ordinance No. 7062, and Ordinance No. 7139 that are not in conflict with this amendment shall remain in force.

City Administration recommends approval of the proposed amendment of Ordinance No. 6607 Ordinance No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 2, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Family Entertainment Center, Lot 2, Heritage Square South, Unit Four, Commercial Planned Unit Development, based on the findings in the staff report.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 6607, Ordinance No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 2, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Family Entertainment Center, Lot 2, Heritage Square South, Unit Four, Commercial Planned Unit Development, stating the basis for such recommendation.
2. Recommend approval of the proposed amendment 6607 Ordinance No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 2, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Family Entertainment Center, Lot 2, Heritage

Attachment No. 2

Square South, Unit Four, Commercial Planned Unit Development and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.

3. Recommend denial of the proposed amendment of Ordinance No. 6607 Ordinance, No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 2, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Family Entertainment Center, Lot 2, Heritage Square South, Unit Four, Commercial Planned Unit Development, stating the basis for such recommendation.
4. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance Nos. 6607, 7062, and 7139, and the approved Preliminary Development Plan for Lot 2, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Family Entertainment Center, Lot 2, Heritage Square South, Unit Four, Commercial Planned Unit Development, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Senior Planner

DATE: December 16, 2015

16005}SR}PUDAmendment}Lot2HerSqSo_Unit4_FamilyFunCenter